

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE:
HOLOCAUST VICTIM ASSETS
LITIGATION

Case No. CV 09-160 (ERK)(JO)
(Consolidated with CV 96-4849,
CV 96-5161 and CV 97-461)

This Document Relates to: All Cases

MEMORANDUM & ORDER AUTHORIZING DISBURSEMENT FROM THE
SETTLEMENT FUND FOR PAYMENTS TO CLAIMANTS FOR INCREASES IN
PRESUMPTIVE VALUES AND PLAUSIBLE UNDOCUMENTED AWARDS

KORMAN, J.:

In my Memorandum and Order of June 16, 2010, based upon the recommendations of CRT Special Master Dr. Helen B. Junz, I authorized up to \$100 million for additional payments to members of the Deposited Assets Class who had previously received awards based upon presumptive values utilized in connection with Swiss bank accounts for which valuation documentation did not exist. In the same Order, I also authorized a 45% increase in payments to members of the Deposited Assets Class who had received Plausible Undocumented Awards ("PUAs"), thereby increasing each PUA payment by \$ 2,250 (from the original sum of \$5,000), for a total of \$ 7,250 per award. Based on the fact that approximately 12,300 Holocaust victims or heirs had already received PUAs, I allocated \$27.7 million for the PUA increase.

After I issued the Order of June 16, 2010, at my direction, the New York-based Swiss Deposited Assets Program (SDAP) of the Claims Resolution Tribunal (CRT) began to notify PUA recipients of the additional \$2,250 payment and requested that recipients promptly complete and return the necessary paperwork in order to receive payment. At the same time, the CRT together with SDAP also began to recommend Certified Adjustments to enable additional Deposited Assets Class payments to be made, as appropriate, based upon the new presumptive values adopted pursuant to my June 16, 2010 Memorandum & Order. To date, I have authorized a total of 15 sets of awards for which Certified Adjustments have been approved based upon the increase in presumptive values. Additional payments will be authorized as further Certified Adjustment recommendations are submitted to the Court.

A number of presumptive value recipients have not yet returned the necessary paperwork to effectuate payment. To maximize the funds held in interest bearing investments, the Special Master and the Administrative Agent of the Fund, at my direction, have implemented the practice of transferring each week to the account maintained by SDAP¹ only the amounts required for the payments of such week's awards to beneficiaries. In accordance with this practice, I directed SDAP to distribute payments essentially on a "first come basis" to any claimant who had completed the necessary paperwork, regardless of whether the adjustment was based upon a presumptive value increase or a PUA increase. To date, SDAP thus far has issued a total of \$18,675,000 to 8,300 claimants for PUA increases, utilizing funds transferred to the SDAP payment account in connection with Presumptive Value Certified Adjustments Sets 1 through 13.

¹ The account is known as the Swiss Banks Settlement - Dormant Accounts - Payment Account or "Designated Account."

I am advised by SDAP that in total, 12,284 claimants qualify for this additional PUA payment, and that a total of \$27,639,000 is required for this purpose. Accordingly, to provide funding for the 3,984 presently unpaid claimants eligible for additional PUA payments of \$2,250 each, and to restore the \$18,675,000 in previously-authorized funds needed to pay presumptive value increases upon the receipt from claimants of the appropriate paperwork (funds which, instead, were distributed at my direction to PUA recipients who had responded more promptly to their notification letters), it is hereby

ORDERED that the signatories of the Settlement Fund transfer immediately US \$27,639,000 from the Settlement Fund to the Swiss Banks Settlement –Dormant Accounts-Payment Account.

Dated: Brooklyn, New York
January 12, 2011

SO ORDERED:

ERK

Edward R. Korman
United States District Judge